

New Benefit Year for Railroad Unemployment and Sickness Benefits

A new benefit year under the Railroad Unemployment Insurance Act begins July 1, 1999. Administered by the U.S. Railroad Retirement Board, this Act provides two kinds of benefits for qualified railroaders: unemployment benefits for those who become unemployed but are ready, willing and able to work; and sickness benefits for those who are unable to work because of sickness or injury. Sickness benefits are also payable to female rail workers for periods of time when they are not able to work because of pregnancy and childbirth.

The following questions and answers describe these benefits, their eligibility requirements, and how to claim them.

1. What is the daily benefit rate payable in the new benefit year beginning July 1, 1999?

Almost all employees will qualify for the new maximum daily benefit rate of \$46, which increased from \$44 under indexing provisions reflecting the growth in average national wages. Benefits are generally payable for days of unemployment or sickness in excess of four in biweekly claim periods, which yields \$460 for each two full weeks of unemployment or sickness. However, sickness benefits resulting from other than on-the-job injuries are subject to tier I railroad retirement payroll taxes for the first six months after the employee last worked.

2. What are the eligibility requirements for railroad unemployment and sickness benefits in the new benefit year?

To qualify for normal railroad unemployment or sickness benefits, an employee must have had railroad earnings of at least \$2,312.50 in calendar year 1998, not counting more than \$925 for any month. Those who were first employed in the rail industry in 1998 must also have at least five months of creditable railroad service in 1998.

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Under certain conditions, employees with 120 or more months of railroad service who do not qualify on the basis of their 1998 earnings may still be able to receive benefits in the new benefit year. Employees with 120 or more months of service who received normal benefits in the benefit year ending June 30, 1999, may be eligible for extended benefits, and employees with 120 or more months of service might qualify for accelerated benefits if they have rail earnings of at least \$2,425 in 1999, not counting earnings of more than \$970 a month.

3. How long are these benefits payable?

Normal unemployment or sickness benefits are each payable for up to 26 weeks in a benefit year. The total amount of each kind of benefit which may be paid in the new benefit year cannot exceed the employee's railroad earnings in calendar year 1998, not counting earnings of more than \$1,195 per month.

If normal benefits are exhausted, extended benefits are payable for up to 13 consecutive weeks to employees with 10 or more years of service.

4. What is the waiting-period requirement for unemployment and sickness benefits?

Benefits are normally paid for the number of days of unemployment or sickness over four in 14-day claim periods. However, during the first 14-day claim period in a benefit year, benefits are only payable for each day of unemployment or sickness in excess of seven which, in effect, provides a one-week waiting period. Separate waiting periods are required for unemployment and sickness benefits. But, only one seven-day waiting period is required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year.

Initial sickness claims must also begin with four consecutive days of sickness.

5. Are there special waiting-period requirements if unemployment is due to a strike?

If a worker is unemployed because of a strike conducted in accordance with the Railway Labor Act, benefits are payable for days of unemployment during 14-day claim periods *after* the first claim period, but no benefits are payable for days of unemployment during the first 14 days of the strike.

If a strike is in violation of the Railway Labor Act, unemployment benefits are not payable to employees participating in the strike. However, employees not among those participating in such an illegal strike, but who are unemployed on account of the strike, may receive benefits after the first two weeks of the strike.

While a benefit year waiting period cannot count toward a strike waiting period, the 14-day strike waiting period may count as the benefit year waiting period if a worker subsequently becomes unemployed for reasons other than a strike later in the benefit year.

6. Can employees in train-and-engine service receive unemployment benefits for days when they are standing by or laying over between scheduled runs?

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No, not if they are standing by or laying over between regularly assigned trips or they missed a turn in pool service.

7. Can extra-board employees receive unemployment benefits between jobs?

Yes, but only if the miles and/or hours they actually worked were less than the equivalent of normal full-time work in their class of service during the 14-day claim period. It would also depend on the employee's earnings.

8. How would an employee's earnings in a claim period affect his or her eligibility for unemployment benefits?

An earnings test is applied to unemployment claims. If a claimant's earnings for days worked, and/or days of vacation or paid leave, in a 14-day claim period are more than a certain indexed amount, no benefits are payable for any days of unemployment in that period. However, that claim can be used to satisfy the waiting period. Earnings include pay from railroad and nonrailroad work, as well as part-time and self-employment. Earnings also include pay that an employee would have earned except for a failure to mark up or report for duty on time, or because he or she missed a turn in pool service or was otherwise not ready or willing to work. For the benefit year that begins July 1999 the test amount is \$925, which corresponds to the base year monthly compensation amount used in determining eligibility for benefits in the new benefit year.

For example, two employees who have already served initial waiting periods file identical claims which include nine days of unemployment and five days of employment during the same 14-day claim period. However, the first employee had earnings of \$950 from the five days of employment in that claim period, while the second employee had earnings of \$850. Because the first employee's earnings exceeded \$925, no benefits are payable for any days of unemployment during this claim period. However, the second employee would be eligible for five days of benefits.

9. How does a person claim unemployment benefits?

In order to receive unemployment benefits, claimants must obtain an application from their labor organization, employer, local Railroad Retirement Board office or the Board's Web site at www.rrb.gov. The completed application should be mailed to the local Board office as soon as possible and, in any case, must be filed within 30 days of the date on which the claimant became unemployed or the first day for which he or she wishes to claim benefits. Benefits may be lost if the application is filed late.

However, only one application need be filed during a benefit year even if a claimant becomes unemployed more than once. In that case, the claimant must request a new claim form from a Board field office within 30 days of the first day for which he or she wants to claim benefits.

-4-

The local Board office reviews the completed application and notifies the claimant's current railroad employer, and base-year employer if different. The employer has the opportunity to provide information about the benefit application. After the Board office processes the application, biweekly claim forms are mailed to the claimant as long as he or she remains unemployed and eligible for benefits. Claim forms should be signed and mailed on or after the last day of the claim. The completed claims must be received by a Board office within 15 days of the end of the claim or the date the claim was mailed to the claimant, whichever is later.

10. How does a person claim sickness benefits?

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An application for sickness benefits can be obtained from railroad labor organizations, railroad employers, any Board office or the Board's Web site. An application and a doctor's statement of sickness are required at the beginning of each period of continuing sickness for which benefits are claimed.

The Board suggests that employees keep an application on hand for use in claiming sickness benefits, and that family members know where the form is kept and how to use it. If an employee becomes unable to work because of sickness or injury, the employee should complete the application and take or send it to his or her doctor for completion of the statement of sickness. If the employee is too sick to complete the application, someone else may do so. In such cases, a family member should also complete the "Statement of Authority to Act for Employee," which accompanies the statement of sickness.

After completion, the forms should be mailed to the Board's headquarters in Chicago by the seventh day of the illness or injury for which benefits are claimed. After the Board receives the application and statement of sickness and determines eligibility, biweekly claim forms are mailed to the claimant for completion and return to a Board field office for processing. The claim forms must be received at the Board within 30 days of the last day of the claim period, or within 30 days of the date the claim form was mailed to the claimant, whichever is later.

11. Is a claimant's employer notified each time a claim for unemployment or sickness benefits is filed?

The Railroad Unemployment Insurance Act requires the Board to notify the claimant's current employer each time a claim for benefits is filed, and to give that employer an opportunity to submit information relevant to the claim before the Board makes an initial determination on the claim. The Board must also notify the claimant's base-year employer each time benefits are paid to a claimant. The base-year employer may appeal the decision to pay benefits. The appeal does not prevent the timely payment of benefits. However, a claimant may be required to repay benefits if the appeal is successful.

12. How long does it take to receive payment?

Persons who file an application for benefits may expect to receive a claim form, or a decision on their application, within 15 days of the date they filed their application. When they file for biweekly claims, they may expect to receive a payment, or a decision on a claim, within 15 days of the date a Board office receives the claim form. However, claims for some benefits may take longer to handle than others if they are more complex, or if a Board office has to get information from other people or organizations. If this happens, claimants may expect an explanation and an estimate of the time required to make a decision.

Claimants who think a Board office made the wrong decision about their benefits have the right to ask for review and to appeal. They will be notified of these rights each time an unfavorable decision is made on their claims.

13. How are payments made?

Railroad unemployment and sickness insurance benefits are paid by Direct Deposit. With Direct Deposit, benefit payments are made electronically to an employee's bank, savings and loan, credit union or other financial institution. New applicants for unemployment and sickness benefits will be asked to provide information needed for Direct Deposit enrollment. Waivers are available to individuals who determine that Direct Deposit would cause a hardship, and to individuals without bank accounts.

14. How can claimants receive more information on railroad unemployment or sickness benefits?

Claimants with questions about unemployment or sickness benefits should contact the nearest Board office. Most Board offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday. Claimants can find the address and phone number of the Board office serving their area, and also get information about their claims and benefit payments by calling the toll-free RRB Help Line at 1-800-808-0772. The RRB Help Line is an automated telephone service available 24 hours a day, 7 days a week. Callers to the RRB Help Line who want information about their unemployment or sickness claims and benefit payments need a Personal Identification Number (PIN), which is printed on the back of each claim form.

In addition, information on benefit requirements, customer service standards, field office locations, and other topics can be accessed through the Board's Web site.

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